BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting

October 5, 2010

<u>Call to Order</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 7:02 p.m., Tuesday, October 5, 2010, in the Board Chambers, Stafford County Administration Center. Prior to the start of the meeting, members of the Board, staff, and press toured the Rocky Pen Run Reservoir.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff and interested parties.

Invocation Mr. Woodson gave the invocation.

<u>Pledge of Allegiance</u> Mr. Dudenhefer led the Pledge of Allegiance to the Flag of the United States of America.

<u>Presentation by Senator Richard Stuart</u> Senator Stuart attended the meeting to hear concerns from the Board regarding Urban Development Areas (UDAs).

Mr. Sterling thanked Senator Stuart for meeting with the Board and talked about the challenge of UDAs, saying that he hoped that Stafford County would not get caught in the 130,000 population cut-off referred to in current legislation. Senator Stuart replied

that "the devil is in the details" and asked the Board what kind of "wiggle room" they wanted.

Mr. Milde also thanked Senator Stuart for attending and talked about the fact that residential development does not pay for the cost of services incurred. Mr. Milde asked that Senator Stuart and other legislators pay close attention to the relationship between legislation for Transfer of Development Rights (TDR) and UDAs. Senator Stuart said that he agreed that residential development does not pay for itself and that UDAs provide a means to ease service requirements. Mr. Milde restated that he meant that the right mix of residential and commercial development created a more positive cash flow.

Mr. Crisp welcomed Senator Stuart and asked about the ability to include already approved lots in the density figures for UDAs. Senator Stuart said that they would be included and added that the whole idea behind UDAs was to have developments needing services located together in a compact area. Mr. Crisp requested an extension on the 2011 deadline and stated that he desired more leeway to make decisions about UDAs so that they can conform to County needs.

Mr. Dudenhefer asked the Senator about raising the 130,000 population threshold stating that if the County surpasses that limit, it doubles the required minimum density for UDAs.

Mr. Snellings said that he was concerned about the cookie cutter approach. It did not appear that common sense was used in formulating the plan when the same set of guidelines applied to every locality regardless of land size. Mr. Snellings suggested that the General Assembly work on targeting what works best for individual localities and soften the blow for smaller land sized counties.

Mr. Sterling talked about transportation issues and whether Richmond was thinking about future issues that involve solutions to the already overwhelmed existing transportation nodes. Mr. Sterling also said that he hopes that Senator Stuart and his colleagues will come up with something that works for Stafford County and not just Arlington.

Mr. Dudenhefer said that he does not want Stafford be like northern Virginia but that he recognizes similarities and hopes that Stafford can learn from northern Virginia's mistakes.

Talking about revenue sharing percentages in counties such as Prince William, Mr. Dudenhefer noted that Stafford is not treated the same as northern Virginia localities with respect to revenue sharing.

Mr. Dudenhefer noted that Stafford is the only county to use Impact Fees which is possibly due to the fact that there are so many strings attached to their use. Where UDAs are concerned, Mr. Dudenhefer said that he hopes that the General Assembly keeps it simple and added that he agreed with Mr. Sterling's comments about transportation concerns. A discussion ensued about the recent VDOT audit and use of funds.

Senator Stuart concluded his remarks saying that he supported the intent of UDAs to condense growth, control sprawl and reduce the road maintenance burden on VDOT, but has concerns with their implementation. He reported to the Board that he will bring up those concerns during the next session of the General Assembly and will keep tabs on transportation issues, VDOT fund allocations, and will continue to work hard to ensure that northern Virginia localities are not getting all the funds.

Legislative; Presentations by the Public

Margie Keller - Speed Limit on Brooke and Mountain View Roads

Dean Fetterolf - Comprehensive Plan (UDAs)

Kandy Hilliard - Public Input for UDAs

Kathy Rivers - Mountain View Road project

Ruth Carlone - Citizen Participation re. Comprehensive Plan

Paul Waldowski - Water Bill/Dumpsters/YMCA/Census/Commuter

Parking

Patricia Kurpiel - Comprehensive Plan (UDAs) and Power Point

Eric Herr - Comprehensive Plan (UDAs)

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u> Board members spoke on topics as identified:

Mr. Sterling - Brooke and Mountain View Roads Traffic Calming

Plan

Comprehensive Plan

Ms. Stimpson - Open Government

Mr. Woodson - Deferred, Will Discuss Comp Plan at a Later Date

Mr. Crisp - Culpeper Watershed Meeting

#9 of the Economic Development Ten-Point Plan

R-Board Meeting

Meeting with EDA Chair and Co-Chair Regarding

The ED Ten-Point Plan

- Recognized Katarina Nikoninko, an Exchange

Student from the Ukraine

Mr. Milde - Open Government

Silver Farm Dedication

School Board Meeting

- VRE Meeting w/ Secretary of Transportation

- R-Board Meeting, Civil War Parks @ Landfill

Joint School Board Committee

Agenda Meetings

- Marine Corp Museum

Transportation Bond Meeting

Old Hartwood Airport – Unisys Ribbon Cutting

Seniors Art Show at the Rowser Building

Recent Passing of Forrest Peterson

Mr. Snellings - England Run Library Grand Opening

Visited Rocky Pen Run Elementary School

Upcoming Visit to Hartwood Elementary School

Mr. Dudenhefer - Expressed Condolences to the Peterson Family

Mountain View Road Future Construction/Speed

Enforcement

- Partners for Safety in Driving School Program

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Legislative; Report of the County Attorney Mr. Joe Howard, County Attorney, noted that

there were no items for Closed Meeting.

Legislative; Report of the County Administrator Mr. Anthony J. Romanello, County

Administrator, noted that Item 14, Utilities; Condemnation and Exercise Quick-Take

Powers to Acquire Easements on a Property in Connection with the Falls Run Phase I

Sewer Project, was settled and deleted from the Agenda. He also noted that there would

be two additions to the agenda: Item 18, Scenarios for the Privatization of Distilled

Spirits; and Item 19, Code of Conduct.

Legislative; Additions and Deletions to the Regular Agenda

Mr. Sterling motioned, seconded by Ms. Stimpson, to approve the additions and

deletions.

The Voting Board tally was:

Yea:

(7) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Snellings, Woodson

Nay:

(0)

Legislative; Consent Agenda Mr. Crisp motioned, seconded by Mr. Milde, to approve the

Consent Agenda consisting of Items 2 through 12, omitting Item 2.

Regarding Agenda Item No. 7, via e-mail dated 9/30/10, Mr. Romanello made the

following disclosure: "I want to advise the Board that Agenda Item #7 on the Board's

October 5, 2010 agenda concerns, among other items, the approval of a four-way stop

intersection in front of my home at the intersection of Winterberry Drive and Lancaster

Street. I have had no involvement in either the request or the approval process for this

sign or any of the signs in our neighborhood. All staff work on this matter in the County

Administrator's Office has been handled by Mike Neuhard working directly with Ms.

Stimpson."

The Voting Board tally was:

Yea: Crisp, Milde, Dudenhefer, Snellings, Sterling, Stimpson, Woodson (7)

Nay:

(0)

<u>Item 3. Finance and Budget; Approve Expenditure Listing</u>

Resolution R10-310 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED SEPTEMBER 21, 2010 THROUGH OCTOBER 4, 2010

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of October 2010 that the above-mentioned EL be and hereby is approved.

Item 4. Human Resources; Authorize Recruitments

Resolution R10-309 reads as follows:

A RESOLUTION TO APPROVE RECRUITMENT OF TWO (2) POSITIONS

WHEREAS, funding is available in the FY 2011 budget to fill the vacant positions; and

WHEREAS, vacancies exist for the following positions:

Systems Analyst I and a Utilities Financial Manager; and

WHEREAS, the positions have been deemed critical to the operation of County services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5^{th} day of October, 2010, that the Board be and it hereby does approve recruitment for the above mentioned positions.

Item 5. Public Works; Authorize Contract for Design of the Courthouse Annex

Resolution R10-302 reads as follows:

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR DESIGN OF THE COURTHOUSE ANNEX

WHEREAS, at its June 15, 2010 meeting, the Board authorized the County Administrator to solicit proposals for the design of a new 11,500 square foot office building (the Courthouse Annex) at the site of the vacant former Rescue One Building; and

WHEREAS, the County issued a Request for Proposals for architectural and engineering services for design of the Courthouse Annex; and

WHEREAS, 16 proposals from interested firms were submitted to the County; and

WHEREAS, staff interviewed five (5) firms and determined that Peck Peck and Associates (Peck) was the most qualified firm to provide these services; and

WHEREAS, Peck submitted a cost proposal to perform the architectural and engineering services for design of the Courthouse Annex for an amount of \$266,020; and

WHEREAS, staff has determined that this proposal is reasonable for the scope of work proposed;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of October, 2010, that the County Administrator be and he hereby is authorized to execute a contract with Peck Peck and Associates in an amount not to exceed Two Hundred Sixty-six Thousand Twenty Dollars (\$266,020) for architectural and engineering services for design of the Courthouse Annex.

<u>Item 6. Legislative; Authorize Appointment of a Member to the Community Policy and Management Team</u>

Item 7. Public Works; Install Four (4) Multi-Way Stops at the Intersections of Falmouth Drive (SR-1047) and Winterberry Drive (SR-1179), Winterberry Drive (SR-1179) and Lancaster Street (SR-1172), Camden Drive (SR-1168) and Collingwood Drive (SR-1100), and Camden Drive (SR-1168) and Lancaster Street (SR-1172) in Clearview Heights Subdivision

Resolution R10-303 reads as follows:

A RESOLUTION TO INSTALL FOUR (4) MULTI-WAY-STOPS AT THE INTERSECTIONS OF FALMOUTH DRIVE (SR-1047) AND WINTERBERRY DRIVE (SR-1179), WINTERBERRY DRIVE (SR-1179) AND LANCASTER STREET (SR-1172), CAMDEN DRIVE (SR-1168) AND COLLINGWOOD DRIVE (SR-1100), AND CAMDEN DRIVE (SR-1168) AND LANCASTER STREET (SR-1172) IN CLEARVIEW HEIGHTS SUBDIVISION

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, the Clearview Heights Civic Association has requested the installation of additional stop signs at the intersections of Falmouth Drive and Winterberry Drive, Winterberry Drive and Lancaster Street, Camden Drive and Collingwood Drive, and Camden Drive and Lancaster Street; and

WHEREAS, the proposed locations meet all of the required criteria for installation of additional stop signs, based on the current Residential Transportation Management Plan, Multi-Way-Stop Program; and

WHEREAS, upon review of the intersections, the Virginia Department of Transportation (VDOT) approved the proposed locations for installation of a Multi-Way-Stop;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of October, 2010, that it be and hereby does approve the installation of four (4) Multi-Way-Stops at the intersections of Falmouth Drive (SR-1047) and Winterberry Drive (SR-1179), Winterberry Drive (SR-1179) and Lancaster Street (SR-1172), Camden Drive (SR-1168) and Collingwood Drive (SR-1100), and Camden Drive (SR-1168) and Lancaster Street (SR-1172) in Clearview Heights Subdivision; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the VDOT Fredericksburg District Office.

<u>Item 8. Public Works; Install a Multi-Way Stop at the Intersection of Summerwood</u>
<u>Drive (SR-779) and Sunrise Valley Court (SR-1740) in Summerwood Subdivision</u>

Resolution R10-304 reads as follows:

A RESOLUTION TO INSTALL A MULTI-WAY-STOP AT THE INTERSECTION OF SUMMERWOOD DRIVE (SR-779) AND SUNRISE VALLEY COURT (SR-1740) IN SUMMERWOOD SUBDIVISION

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, residents of Summerwood Subdivision have requested the installation of additional stop signs at the intersection of Summerwood Drive and Sunrise Valley Court; and

WHEREAS, the proposed location meets all of the required criteria for installation of a Multi-Way-Stop, based on the current Residential Transportation Management Plan, Multi-Way-Stop Program; and

WHEREAS, upon review of the intersection, the Virginia Department of Transportation (VDOT) approved the proposed location for installation of a Multi-Way-Stop;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of October, 2010, that it be and hereby does approve the installation of a Multi-Way-Stop along Summerwood Drive (SR-779) at the intersection of Sunrise Valley Court (SR-1740) in Summerwood Subdivision; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the VDOT Fredericksburg District Office.

Item 9. Planning and Zoning; Authorize a Public Hearing to Amend and Reordain Stafford County Code Regarding Conditional Zoning (Proffers)

Resolution R10-307 reads as follows:

A RESOLUTION TO REFER TO THE PLANNING COMMISSION AMENDMENTS TO STAFFORD COUNTY CODE, SECTION 28-25, "DEFINITIONS OF SPECIFIC TERMS," AND CHAPTER 28, ARTICLE X, "CONDITIONAL ZONING"

WHEREAS, the Board currently utilizes conditional zoning authority under Virginia Code § 15.2-2298; and

WHEREAS, under Virginia Code § 15.2-2298(A), the Board is expressly authorized to utilize conditional zoning authority under Virginia Code § 15.2-2303; and

WHEREAS, pursuant to Virginia Code § 15.2-2298(A), the Board desires to utilize conditional zoning authority under Virginia Code § 15.2-2303; and

WHEREAS, the Board believes that the public necessity, convenience, general welfare, and good zoning practices require the amendment of the zoning ordinance by the adoption of proposed Ordinance O10-56;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of October, 2010, that the Planning Commission be and it hereby is requested to consider amendments to Stafford County Code, Section 28-25, "Definitions of specific terms," and Chapter 28, Article X, "Conditional Zoning," by proposed Ordinance O10-56; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the amendments as it deems necessary.

Item 10. Finance and Budget; Reappropriate the School's FY2010 State Fiscal Stabilization Funds and Modify the Budgets and Appropriations for the Health Services and Workers' Compensation Funds

Resolution R10-300 reads as follows:

A RESOLUTION TO REAPPROPRIATE THE SCHOOLS' FY 2010 STATE FISCAL STABILIZATION FUNDS AND MODIFY THE BUDGETS AND APPROPRIATIONS FOR THE HEALTH INSURANCE FUND AND WORKERS' COMPENSATION FUND

WHEREAS, appropriations for FY 2011 were based on the Adopted Budget, and the School Board subsequently made changes to the Health Services and Workers Compensation funds; and

WHEREAS, when the appropriations were made, the State Fiscal Stabilization Funds were withheld until state reports verified the remaining funds available; and

WHEREAS state reports now show the available amount of \$11,024,499; and

WHEREAS, the Acting Superintendent has requested that budgets and appropriations be modified to match the final School Board budgets, decreasing the Health Services Fund by \$526,803 and increasing the Workers Compensation Fund by \$1,509;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of October, 2010, that the County Administrator be and he hereby is authorized to budget and appropriate Schools' funds as follows:

Grant Fund \$11,024,499 Health Services Fund (526,803) Workers' Compensation Fund 1,509

<u>Item 11. Public Information; Approve Proclamation Honoring Charles A. Cooper, Recipient of the Joseph V. Gartlan Jr. Award</u>

Proclamation P10-27 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND CHARLES A. COOPER, RECIPIENT OF THE JOSEPH V. GARTLAN JR. AWARD

WHEREAS, Charles A. Cooper has a long history of advocacy for persons with mental disabilities and generously volunteers his time to numerous community organizations; and

WHEREAS, in 2005, Charles A. Cooper was appointed by former Governor Mark Warner to serve on the *Virginia Board of People with Disabilities*, and that same

year was appointed by Speaker of the House, William J. Howell, to serve on the *Joint Subcommittee Studying Group Homes for Persons with Disabilities*; and

WHEREAS, in 2007, former Governor Tim Kaine appointed Mr. Cooper to serve on the *Board of the Virginia Office for Protection and Advocacy*; and

WHEREAS, Mr. Cooper's dedicated efforts on behalf of individuals with mental disabilities has benefited all Virginians through his leadership, his influence on statewide policy, and his personal commitment to Stafford County and the Commonwealth of Virginia; and

WHEREAS, in recognition of his lifelong efforts, Charles A. Cooper has been selected as this year's recipient of the Joseph V. Gartlan Jr. Award;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 5th day of October, 2010, that Mr. Charles A. Cooper be and hereby is recognized and appreciated for his dedicated work and service on behalf of the citizens of Stafford County and the Commonwealth of Virginia.

<u>Item 12. Parks, Recreation and Community Facilities; Approve Appointment of Eric</u> Herr to the Parks and Recreation Commission

<u>Legislative</u>; Approve Minutes of September 21, 2010 Board Meeting Following a discussion about clerical corrections to the minutes, Mr. Sterling motioned, seconded by Ms. Stimpson, to approve the minutes of the September 21, 2010 Board meeting

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Snellings, Woodson

Nav: (0)

Finance and Budget; Consider Participation in the Fall 2010 Virginia Public School Authority (VPSA) Bond Sale Ms. Maria Perrotte, Chief Financial Officer gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Snellings, to adopt proposed Resolution R10-285.

The Voting Board tally was:

Yea: (7) Sterling, Snellings, Crisp, Milde, Dudenhefer, Stimpson, Woodson

Nay: (0)

Resolution R10-285 reads as follows:

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN AMOUNT NOT TO EXCEED \$8,255,000 OF GENERAL OBLIGATION SCHOOL BONDS, OF THE COUNTY OF STAFFORD, VIRGINIA, TO BE SOLD IN ONE OR MORE SERIES, INCLUDING A SERIES OF BUILD AMERICA BONDS OR QUALIFIED SCHOOL CONSTRUCTION BONDS, TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of Stafford, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$8,255,000 and to issue one or more series of its general obligation School bonds (as more specifically defined below, each a "Local School Bond," and collectively, the "Local School Bonds") for the purpose of financing capital projects for public school purposes for various public school buildings within the County (the "Projects"), each of which constitutes a capital project for school purposes; and

WHEREAS, the Board held a public hearing, duly noticed, on October 5, 2010, on the issuance of the Local School Bonds in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Local School Bonds and consented to the issuance of the Local School Bonds; and

WHEREAS, the Local School Bonds will be sold to Virginia Public School Authority ("VPSA") in connection with one or more of VPSA's pooled bond programs, including the tax-exempt program, the "build America bond" program and the "qualified school construction bond" program, in which VPSA will offer to purchase the County's Local School Bond along with the local school bonds of certain other localities with a portion of the proceeds of certain bonds to be issued by VPSA (the "VPSA Bonds"); and

WHEREAS, with respect to VPSA's "build America bond" program, VPSA will issue the VPSA Bonds as "build America bonds" (referred to below as "BABs") within the meaning of Section 54AA of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which section was added to the Tax Code by the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355), enacted on February 17,

2009 (the "ARRA") and use a portion of the proceeds to purchase "build America bonds" issued by Virginia localities, including the County; and

WHEREAS, the designation of a bond as a BAB enables an issuer of a BAB to receive a direct payment of a refundable credit with respect to each interest payment date in the amount of 35% of the amount of interest payable by the issuer with respect to such date (the "BAB Federal Subsidy"); and

WHEREAS, with respect to VPSA's "qualified school construction bond" program, VPSA will issue the VPSA Bonds as "qualified school construction bonds" (referred to below as "QSCBs") within the meaning of Section 54F of the Tax Code, which section was added to the Tax Code by the ARRA; and

WHEREAS, VPSA intends to elect to treat the VPSA Bonds issued as QSCBs as "specified tax credit bonds" under Section 6431 of the Tax Code, as amended by the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147, 123 Stat. 301), enacted on March 18, 2010, which statute enables an issuer of a QSCB to receive a direct payment of a refundable credit in lieu of providing a tax credit to the purchaser or holder of the QSCB; and

WHEREAS, with respect to QSCBs, the refundable credit payable with respect to each interest payment date will be equal to the lesser of (i) the amount of interest payable under the QSCB on such date or (ii) the amount of interest which would have been payable on under the QSCB on such date if such interest were determined at the applicable credit rate determined under Section 54A(b)(3) of the Tax Code (that is, the rate used in computing the amount of tax credit that could be claimed by the QSCB holder absent the "specified tax credit bond" refundable credit election) (the "QSCB Federal Subsidy"); and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$8,255,000, or such lesser amount as the Chairman of the Board or the County Administrator may determine (as stated below), is the amount of proceeds requested (the "Proceeds Requested") by the County from VPSA in connection with the sale of the Local School Bond; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Local School Bond which, in VPSA's judgment, reflects the Local School Bond's market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested, the purchase price to be received by VPSA, the underwriters' discount and the other issuance costs of the VPSA Bonds and other market conditions relating to the sale of the VPSA Bonds; and

WHEREAS, such factors may result in the Local School Bond having a purchase price other than par and consequently (i) the County may have to issue the Local School Bond in a principal amount that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Local School Bond set forth in Section 1 of this Resolution does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the

VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors:

Authorization of Local School Bond and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell one or more series of its general obligation school bonds in an aggregate principal amount not to exceed \$8,255,000 (each a "Local School Bond," and collectively, the "Local School Bonds") for the purpose of financing the Projects and the issuance costs of the Local School Bonds. The Board hereby authorizes the issuance and sale of the Local School Bonds in the form and upon the terms established pursuant to this Resolution. The Chairman of the Board and the County Administrator, either of whom may act, are authorized to make any elections required under the Tax Code for purposes of participating in VPSA's "build America bond" program and/or "qualified school construction bond" program.

<u>Sale of the Local School Bonds</u>. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Local School Bond. Given the VPSA Purchase Price Objective and market conditions, it may become necessary to sell the Local School Bond in a principal amount greater than the Proceeds Requested. If the limitation on the maximum principal amount on the Local School Bond set forth in Section 1 of this Resolution restricts VPSA's ability to generate the Proceeds Requested, the Local School Bond may be sold for a purchase price of not lower than 90% of the proceeds requested. The Chairman of the Board, the County Administrator, or either of them, and such other officer or officers of the County as either may designate, are hereby authorized and directed to enter into one or more bond sale agreements with VPSA providing for the sale of one or more Local School Bonds to VPSA (each a "Bond Sale Agreement"). The Chairman of the Board and the County Administrator, or either of them, are authorized (i) to determine which VPSA pooled bond program or programs to participate in with respect to the issuance of one or more Local School Bonds so long as the aggregate principal amount of all Local School Bonds issued pursuant to this Resolution shall not exceed the amount set forth in Section 1 above and (ii) to decrease the amount of Proceeds Requested to the extent it is determined to be in the best interest of the County.

<u>Details of the Local School Bonds</u>. The Local School Bonds shall be dated the date of their issuance and delivery; shall bear interest from the date of delivery thereof payable semi-annually on dates specified by VPSA (each, an "Interest Payment Date") at the rates established in accordance with Section 4 of this Resolution; and shall mature annually in the years (each a "Principal Payment Date") and in the amounts (the "Principal Installments") determined by the County Administrator, subject to the provisions of Section 4 of this Resolution.

<u>Interest Rates and Principal Installments</u>. The County Administrator is hereby authorized and directed to accept the interest rates on the Local School Bonds established by VPSA, provided that each interest rate may be up to five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding interest payment date of the VPSA Bonds, a portion of the proceeds of which will be used to purchase the Local School Bond, to the extent required by VPSA (the "Annual Administrative Fee"), and

provided further that the true interest cost of the Local School Bond does not exceed six percent (6.0%) per annum (exclusive of the Annual Administrative Fee and taking into account the direct credit payments from the United States if any Local School Bonds are issued as BABs or any VPSA Bonds are issued as QSCBs). The Interest Payment Dates and the Principal Installments may be specified by VPSA. The County Administrator is hereby authorized and directed to accept the final Interest Payment Dates and the Principal Installments at the request of VPSA based on the final term to maturity of the VPSA Bonds, any requirements imposed on VPSA by the nationally-recognized rating agencies and the final principal amount of the Local School Bond; provided, however, that the final maturity of the Local School Bond shall not be later than 21 years from their issue date and, to the extent the VPSA Bonds are issued as QSCBs, the final maturity of the Local School Bond shall be no later than the latest maturity date permitted under Section 54A of the Tax Code. The execution and delivery of the Local School Bond as described in Section 10 hereof shall conclusively evidence the final Principal Installments as having been accepted by the County Administrator as authorized by this Resolution.

Acknowledgement of Disclaimer. To the extent any Local School Bonds are issued as BABs or any VPSA Bonds are issued as QSCBs, the County acknowledges that the interest rate on the Local School Bond will be set at the level necessary to pay the interest on the allocable portion of the VPSA Bonds plus the Annual Administrative Fee, if any, and that the County will be obligated to pay interest on the Local School Bond at the stated taxable rate thereon regardless of the elimination or reduction of the refundable credit to be received by VPSA or the County, as applicable, due to (i) any amendments by Congress to Sections 54A, 54AA, 54F or 6431 or any other applicable sections of the Tax Code, (ii) any guidance or changes to guidance provided by the U.S. Department of Treasury or the Internal Revenue Service, or (iii) any action or omission by VPSA, the County or any other locality selling local school bonds to VPSA in connection with the VPSA Bonds that causes the VPSA Bonds to lose their status as QSCBs and/or specified tax credit bonds in whole or in part.

Certain Investment Earnings. To the extent the VPSA Bonds are issued as QSCBs, the Board hereby acknowledges that VPSA will (i) issue the VPSA Bonds with multiple maturities or with a single "bullet" maturity, in either case, with a final maturity date on or shortly before the latest maturity date permitted for the VPSA Bonds under Section 54A of the Tax Code and (ii) invest the Principal Installments for the benefit of the County until they are applied to pay the principal of the VPSA Bonds and (iii) either remit the investment earnings periodically to the County or credit the investment earnings against the County's obligation to make Principal Installments, at the option of VPSA. The Board further acknowledges that VPSA may cause a portion of such earnings to be deposited into a reserve fund or account to be applied by VPSA for use to pay the costs, fees and expenses described in Section 15 below. Any balance in such reserve fund or account attributable to investment earnings on the County's Principal Installments as reasonably determined by VPSA will be remitted or credited to the County on the final maturity date of the VPSA Bonds.

<u>Form of the Local School Bonds</u>. Any Local School Bond issued pursuant to this Resolution shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A, with such revisions as are

necessary for participation in VPSA's "build America bond" program or "qualified school construction bond" program.

<u>Payment; Paying Agent and Bond Registrar</u>. The following provisions shall apply to the Local School Bonds:

For as long as VPSA is the registered owner of the Local School Bond, all payments of principal of, premium, if any, and interest on each Local School Bond shall be made in immediately available funds to, or at the direction of, VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for payment, prepayment or redemption.

All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Local School Bonds.

The Bond Registrar and Paying Agent for the Local School Bonds shall be the banking institution selected by VPSA for such purposes.

<u>Prepayment or Redemption</u>. The Principal Installments of any Local School Bond may be subject to prepayment or redemption prior to their stated maturities as determined by VPSA.

Execution of the Local School Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Local School Bonds and to affix the seal of the County thereto. The manner of such execution may be by facsimile, provided that if both signatures are by facsimile, the Local School Bonds shall not be valid until authenticated by the manual signature of the Paying Agent.

Pledge of Full Faith and Credit. For the prompt payment of the principal of, premium, if any, and interest on the Local School Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Local School Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, premium, if any, and interest on the Local School Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

<u>Use of Proceeds Certificate and Tax Compliance Agreement</u>. The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver on behalf of the County a Use of Proceeds Certificate and Tax Compliance Agreement or such

similar agreement (a "Tax Compliance Agreement") setting forth the expected use and investment of the proceeds of any Local School Bond issued pursuant to this Resolution and containing such covenants as may be necessary in order to show the compliance of the VPSA Bonds with the provisions of the Tax Code and applicable regulations relating to (i) the exclusion from gross income of interest on the Local School Bonds and the VPSA Bonds, (ii) the qualification of the Local School Bonds as "build America bonds" under Section 54AA of the Tax Code or (iii) the qualification of the VPSA Bonds as "qualified tax credit bonds," "qualified school construction bonds" and "specified tax credit bonds" under Sections 54A, 54F and 6431 of the Tax Code, as applicable. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Local School Bonds will be invested and expended as set forth in the Tax Compliance Agreement and that the County shall comply with the other covenants and representations contained therein and (ii) if applicable, the County shall comply with the provisions of the Tax Code so that the VPSA Bonds will not lose their status as "build America bonds," "qualified tax credit bonds," "qualified school construction bonds" and/or "specified tax credit bonds" under Sections 54A, 54AA, 54F and 6431 of the Tax Code.

State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Director of Finance to participate in the State Non-Arbitrage Program in connection with the Local School Bonds. The Chairman of the Board and the County Administrator, or either of them, and such officer or officers of the County as either of them may designate, are hereby authorized and directed to execute and deliver a proceeds agreement (a "Proceeds Agreement") with respect to the deposit and investment of proceeds of any Local School Bond issued pursuant to this Resolution by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository.

Continuing Disclosure Agreement. The Chairman of the Board and the County Administrator, or either of them, and such other officer or officers of the County as either of them may designate, are hereby authorized and directed to execute one or more Continuing Disclosure Agreements, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

<u>Fees, Costs and Expenses</u>. The County agrees to pay the following fees, costs and expenses incurred by VPSA in connection with its purchase and carrying of the Local School Bond within thirty days after receipt by the County Administrator of a written bill therefore:

(A) The County's allocable share of the fees, costs and expenses of the trustee, paying agent and bond registrar under the indenture pursuant to which VPSA will issue the VPSA Bonds and the County's allocable share of any fees, costs and expenses payable to third parties in connection with such indenture or VPSA's pooled bond programs, as determined by VPSA; and

(B) To the extent permitted by law, the reasonable fees, costs and expenses, including reasonable attorneys' fees, if any, incurred by VPSA in connection with any false representation or certification or covenant default by the County or any County or School Board official, employee, agent or contractor under any Local School Bond, Continuing Disclosure Agreement, Tax Compliance Agreement, Proceeds Agreement and/or any document, certificate or instrument associated therewith (collectively, then "County Documents"), or in connection with any amendment to or discretionary action that VPSA makes or undertakes at the request of the County under any of the County Documents or any other document related to the VPSA Bonds.

<u>Filing of 8038-CP.</u> (a) The County recognizes that in order to receive the BAB Federal Subsidy it must file, or cause to be filed, a Form 8038-CP with the Internal Revenue Service not less than 45 days and not more than 90 days prior to each Interest Payment Date, as provided in Notice 2009-26 issued by the Internal Revenue Service, so long as filing such form is a condition of receipt of the Federal Subsidy on each Interest Payment Date.

(b) Unless otherwise determined by VPSA, the County recognizes that VPSA will receive the QSCB Federal Subsidy and will rebate the QSCB Federal Subsidy back to the County pursuant to procedures to be set forth in the Proceeds Agreement.

<u>Filing of Resolution</u>. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

<u>Election to Proceed under Public Finance Act</u>. In accordance with Section 15.2-2601 of the Virginia Code, the Board elects to issue the Local School Bonds pursuant to the provisions of the Public Finance Act of 1991, Chapter 26 of Title 15.2 of the Virginia Code.

<u>Further Actions</u>. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Local School Bonds and any such action previously taken is hereby ratified and confirmed.

Effective Date. This Resolution shall take effect immediately.

* * *

The undersigned Clerk of the Board of Supervisors of the County of Stafford, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on October 5, 2010, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of Stafford, Virginia, this 5th day of October, 2010.

Clerk, Board of Supervisors of the County of Stafford, Virginia (SEAL)

SCHOOL

EXHIBIT A

[FORM OF TEMPORARY BOND]

NO. TR-1

UNITED STATES OF AMERICA **COMMONWEALTH OF VIRGINIA COUNTY OF STAFFORD**

[Taxable] General Obligation School Bond Series 20[__**]

The COUNTY OF STAFFORD, VIRGINIA (the "County"), for value received,

the

principal

amount

hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC

("VPSA")

AUTHORITY

DOLLARS (\$), in annual installments in the amounts set forth on Schedule I attached hereto commencing on, 20 and
amounts set forth on Schedule I attached hereto commencing on 20 and
amounts set form on <u>senedule 1</u> attached hereto commencing on, 20 and
continuing each thereafter to and including, 20 (each a
"Principal Payment Date"), together with interest from the date of this Bond on the
unpaid installments, payable semi-annually on and of each year,
commencing, 20 (each an "Interest Payment Date," and together with any
Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule
I attached hereto, subject to prepayment or redemption as hereinafter provided. The
principal of, premium, if any, and interest on this Bond are payable in lawful money of
the United States of America.
For as long as VPSA is the registered owner of this Bond,

^{**}Series designation.

the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal, of the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors of the County on _______, 2010 (the "Local Resolution"), authorizing the issuance of this Bond provides, and Section 15.2-2624, Code of Virginia 1950, as amended (the "Virginia Code"), requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal of, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, of the Virginia Code, and the Local Resolution and a resolution duly adopted by the School Board of the County to provide funds for capital projects for school purposes.

[This Bond may be exchanged without cost, on twenty (20) days written notice from the VPSA at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the VPSA on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.]

[This Bond is registered in VPSA's name on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for a substitute Bond, and register such substitute Bond on such registration books in the name of the assignee or assignees named in such assignment.]

[VPSA to Insert Redemption Provisions]

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the

County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

caused this Bond to be issued	REOF , the Board of Supervisors of the County of Stafford has in the name of the County of Stafford, Virginia, to be signed rman, its seal to be affixed hereto and attested by the signature
	ty Clerks, and this Bond to be dated, 20
	COUNTY OF STAFFORD, VIRGINIA
	Chairman, Board of Supervisors of the County of Stafford, Virginia
(SEAL)	
ATTEST:	
Clerk, Board of Supervisors of County of Stafford, Virginia	f the
A Copy, teste:	
	Anthony J. Romanello, ICMA-CM County Administrator
ASSIGNMENT	
FOR VALUE RECEI	VED, the undersigned sells, assigns and transfers unto
(PLEASE PRINT OR TYPE) OF ASSIGNEE)	WRITE NAME AND ADDRESS, INCLUDING ZIP CODE,
PLEASE INSERT SOCIAL S IDENTIFYING NUMBER (
the within Bond and irrevocab	ly constitutes and appoints
Bond for definitive bonds in 1	attorney to exchange said ieu of which this Bond is issued and to register the transfer of

such definitive bonds on the books kept substitution in the premises. Date:	t 1	for registration thereof, with full power of Registered Owner
(NOTICE: Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar which requirements will include Membership or participation in STAMP or such other "signature guarantee program" as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.		(NOTICE: The signature above must correspond with the name of the Registered Owner as it appears on the front of this Bond in every particular, without alteration or change.)

SCHEDULE 1

AMORTIZATION SCHEDULE

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R10-286.

The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

Resolution R10-286 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE BOND PROCEEDS FROM GENERAL OBLIGATION SCHOOL BONDS

WHEREAS, the Board, on October 5, 2010, adopted Resolution R10-285 which approved the issuance and sale of General Obligation school bonds in an amount not to exceed \$8,255,000; and

WHEREAS, the budget needs to be amended to allow the County to receive the proceeds and transfer them to the School Construction Fund; and

WHEREAS, a public hearing on the proposed amendment to the budget was held October 5, 2010 as required by Section 15.2-2507 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board has carefully considered the recommendation of staff and the testimony at the public hearing; and

WHEREAS, to reduce the impact on the FY12 budget, \$2,340,000 in bonds will be sold in the fall of 2010 and \$5,915,000 will be sold in spring 2011;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of October, 2010, that the County Administrator be and he hereby is authorized to budget and appropriate funds as follows:

GENERAL CAPITAL PROJECTS FUND:

Revenue:

Proceeds from Fall 2010 VPSA Bond Sale	\$2,340,000
Proceeds from Spring 2011 VPSA Bond Sale	\$5,915,000
Expenditure:	
Transfer to School Construction Fund	\$8,255,000

SCHOOL CONSTRUCTION FUND

Revenue

Transfer from Capital Projects Fund \$8,255,000

Expense

School Construction \$8,255,000

Recess: At 8:47 P.M., the Chairman declared a recess.

Call to Order: At 9:02 P.M., the Chairman called the meeting back to order.

County Attorney; Amend and Reordain Stafford County Code, Chapter 14, "Amusements"; Chapter 5, "Animals and Fowl"; and Chapter 17, "Noise" Mr. Joe Howard, County Attorney, gave a presentation and answered Board members questions.

Mr. Milde said that he supports the times listed in the existing ordinance due to rush hour, school buses, etc., and suggested that trash hauling be reviewed at a later date.

Mr. Dudenhefer requested that the County Attorney's office come back at the November 16th meeting with alternatives and suggestions regarding trash hauling/early morning hours.

Mr. Milde motioned, seconded by Mr. Crisp to adopt proposed Ordinance O10-44.

The Voting Board tally was:

Yea: (7) Milde, Crisp, Dudenhefer, Snellings, Sterling, Stimpson, Woodson

Nay: (0)

Ordinance O10-44 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 4, ENTITLED "AMUSEMENTS," CHAPTER 5, ENTITLED "ANIMALS AND FOWL," AND CHAPTER 16, ENTITLED "NOISE"

WHEREAS, the Virginia Supreme Court issued its decision in *Tanner v. City of Virginia Beach*, 277 Va. 432, 674 S.E.2d 848 (April 17, 2009), holding that the City of Virginia Beach noise ordinance was unconstitutionally vague; and

WHEREAS, the City of Virginia Beach noise ordinance employed a reasonable person standard for determining whether there was a violation of the noise ordinance; and

WHEREAS, the Stafford County noise ordinance employs a reasonable person standard that is similar to the reasonable person standard employed in the City of Virginia Beach noise ordinance that the Virginia Supreme Court held unconstitutional; and

WHEREAS, the reasonable person standard in the Stafford County noise ordinance would be held unconstitutionally vague if the County seeks to enforce it; and

WHEREAS, numerous other localities in the Commonwealth that employ a similar reasonable person standard have amended their noise ordinances or are in the process of amending their noise ordinances;

WHEREAS, the Board has carefully considered the recommendations of the Sheriff, staff, and the testimony at the public hearing; and

WHEREAS, the Board finds that this ordinance promotes the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 5th day of October, 2010, that Stafford County Code, Chapters 4, 5, and 16, be and they hereby are amended and reordained as follows, all other portions remaining unchanged:

Chapter 4 AMUSEMENTS

ARTICLE II. - OUTDOOR MUSICAL OR ENTERTAINMENT FESTIVALS

DIVISION 2. - PERMIT

Sec. 4-38. - Statements, plans, etc., to accompany application.

- (a) A permit required by this division shall not be issued unless the following conditions are met and the following plans, statements, approvals and other items are submitted with the application:
 - (10) A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located violate any provision of Chapter 16 of the county code.

ARTICLE III. - PUBLIC DANCE HALLS

Sec. 4-71. General operating standards.

No public dance hall shall be operated in such a manner as to constitute a public nuisance or create excessive noise or disturbances within the neighborhood violate any provision of Chapter 16 of the county code.

Chapter 5 ANIMALS AND FOWL

ARTICLE II. – ANIMAL WELFARE

Sec. 5-18. Noise from animals.

- (a) It shall be unlawful for any person to allow within the county prolonged or intense barking or other harsh or excessive noises to be made by any animal under his ownership or control, at any time, so as to disturb the quiet, comfort or repose of one or more members of the community.
- (b) For the purpose of this section, a person shall be deemed to have "allowed" his animal to bark or create other harsh noises if he has once been put on notice by a deputy, animal control officer or any other officer and thereafter fails to confine such animal(s) inside his dwelling unit or enclosed structure or to take similar action calculated to terminate such disturbance.
- (c) For the purpose of this section, a person shall be deemed to have allowed his animal to bark or create other harsh noises that can be heard through one or more partition walls of an enclosed structure; i.e., apartments, townhomes, or any other adjoining residence or building, if he has been put on notice once by a deputy, animal control officer, or other officer.
- (d) Enforcement. No person shall be charged with a violation of this section unless the complainant shall appear before a magistrate and make complaint thereof and request a summons or warrant be issued charging such violation in the manner provided by law.
- (e) Not withstanding the above, when a violation is committed in the presence of a deputy, animal control officer or other law enforcement officer, the officer may proceed to issue a summons.
- (f) After being put on notice, each complaint shall constitute a separate offense. Violation of the section shall be punishable as a class 4 misdemeanor.

Chapter 16 NOISE

Sec. 16-1. Declaration of policy.

It is hereby declared to be the public policy of Stafford County to protect its citizens against excessive noise which is detrimental to life, health and enjoyment of property. In

order to promote the public health, safety, welfare and the peace and quiet of the inhabitants of the county, the following measurements and standards relating to noise are hereby adopted.

State law references: Virginia Code §§ 15.2-900, 15.2-917, 15.2-1200, and 15.2-2288.3.

Sec. 16-2. Violations of chapter.

Unless otherwise specified in this chapter, any person violating any provision of this chapter shall be guilty of a class 2 misdemeanor.

Cross reference: Classification of and penalties for violations, § 1-11.

<u>State law reference: Virginia Code § 15.2-900, 15.2-917, 15.2-1200, 15.2-1429, and 15.2-2288.3.</u>

Sec. 16-3. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Daytime means the local time of day between the hours of 7:00 a.m. and 10:00 p.m. weekdays and from 9:00 a.m. to 10:00 p.m. on Saturdays, Sundays, and legal holidays observed by the county government unless otherwise specified.

Director means the director of the office department of planning and zoning and inspections or his authorized agent.

Nighttime means those times excluded from the definition of daytime the local time between the hours of 10:00 p.m. and 7:00 a.m. weekdays and from 10:00 p.m. to 9:00 a.m. on Saturdays, Sundays, and legal holidays observed by the county government, unless otherwise specified.

Noise means any steady state or impulsive sound occurring on either a continuous or intermittent basis that annoys or disturbs humans or that causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any sound which:

- (1) Endangers or injures the safety or health of humans; or
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property; or
- (4) Exceeds the applicable maximum permissible sound levels as they appear in the table in section 16-4.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing facilities. As an example, if the sound source is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of the song, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

Sec. 16-4. Maximum permissible sound levels generally.

(a) Except as otherwise provided, any noise which emanates from any operation, activity or source and which exceeds the maximum permissible sound levels established in this section below is hereby prohibited. Such levels shall be measured at the property boundary of the sound source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

Maximum Permissible Sound Pressure Levels Maximum dBA

Zoning District Classification	Daytime	Nighttime
Residential	60	55
Commercial	65	60
Office	65	60
Industrial	79	72

- (b) Measurement procedures. The measurement of sound or noise pursuant to this section shall be as follows:
 - (1) The measurement of sound or noise shall be made with Type 2 sound level meters which meet the standards prescribed by the ANSI. The instruments shall be maintained in calibration and good working order. The sheriff shall develop and promulgate standards and procedures for testing and validating sound level meters according to the specifications and regulations of the manufacturer and used in the enforcement of this chapter. A minimum of three (3) sound level readings shall be taken. The geometric mean of these readings will be used as the average sound level. If the background noise is equal to the levels set forth in this section, three (3) dB shall be subtracted out of the average sound level.
 - (2) The slow meter response of the sound level meter shall be used to determine that the average amplitude has not exceeded the dBA readings or the limiting noise spectra set forth in this section.
 - (3) Unless otherwise specified, the measurement shall be made at the property boundary on which such noise is generated, or at any point within the receiving property affected by the noise.
- (b)(c) Heating and cooling systems, including, but not limited to, air conditioners and heat pumps, shall not be subject to the night levels enumerated above in this section.
- (e)(d) Any person, with lawfully obtained permits, who between the hours of 7:00 a.m. to 9:30 10:00 p.m. weekdays and 9:00 a.m. to 9:30 10:00 p.m. on Saturdays, Sundays, and legal holidays observed by the county government, operates or causes to be operated any equipment used in construction, repair, alteration, or demolition work on buildings, structures, alleys, or appurtenances thereto in the outdoors in any residential zoning district within one hundred (100) yards of a lawfully occupied dwelling shall not be subject to the levels enumerated above in this section.

State law references: Virginia Code §§ 15.2-900, 15.2-917, 15.2-1200, and 15.2-2288.3.

Sec. 16-6. Prohibitions generally Loud noises prohibited.

- (a) The following acts are violations of this chapter:
- (1) Sounding a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal.
- (2) Operating a motor vehicle, other than an authorized emergency vehicle or a vehicle moving under special permit, which creates a noise disturbance.
- (3) Excluding farm equipment, the discharge into open air of the exhaust of any steam or diesel engine, stationary internal combustion engine, chain saw, power mower, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent any noise or sound of a character, volume, duration or frequency which disturbs, injures or endangers the quiet, comfort, repose, health, peace or safety of any other person of ordinary sensitivity.
- (4)(1) Operating, loading, or unloading any vehicle, including, but not limited to, trucks, or the opening and destruction of bales, boxes, crates, and containers in the outdoors in zones other than industrial zoning districts within one hundred (100) yards of a lawfully occupied dwelling between the hours of 10:00 p.m. and 7:00 a.m.
- (5)(2) Operating or causing to be operated between the hours of 9:30 10:00 p.m. and 7:00 a.m. any equipment used in construction, repair, alteration, or demolition work on buildings, structures, alleys, or appurtenances thereto in the outdoors in any residential zoning district within one hundred (100) yards of a lawfully occupied dwelling.
- (6)(3) Using, operating, or causing to be operated mechanical loudspeakers or other sound amplification devices <u>or machines</u> on trucks or other moving vehicles or in commercial establishments for the purpose of commercial advertising or attracting the attention of the public during the nighttime. <u>In addition to the other provisions of this chapter</u>, <u>The use of such devices or machines at all other times</u> shall be subject to the following conditions:
 - a. The only sounds permitted are music or human speech.
- b. Sound shall not be issued or devices <u>sS</u>hall not be used within one hundred (100) yards of hospitals <u>at any time</u>, schools <u>during the school-day</u>, churches <u>during</u> religious services or religious events, or courthouses while court is in session.
 - c. The human speech and music amplified shall not be obscene.
- (7)(4) Operating or permitting to be operated any powered model aircraft in the outdoors during the nighttime. Any person desiring to use county parks or facilities to operate such aircraft at any time must first obtain permission from the department of parks and recreation or the Fredericksburg-Stafford Park Authority.
- (8)(5) The Playing, using, operating or permitting to be played, used, or operated any radio, phonograph, television, tape or compact disc players, digital or electronic music player, musical instruments or drums, sound amplifiers, loudspeakers, or similar other machine or devices which produces, reproduces or amplifyies sound in

such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder a volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such radio, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible or duration that is plainly audible inside the confines of the dwelling unit, house, or apartment of another person or at a distance of fifty (50) feet from the device building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section between the hours of 10:00 p.m. and 7:00 a.m., except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or authorized parades, public functions, or commemorative events.

- (9)(6) The Playing, using, operating, or permitting the playing, using, or operating of any radio, television, tape or compact disc player, digital or electronic music player, musical instrument or drums, phonograph, loudspeaker, sound amplifier, or other electronic or other machine or device which for the producinges, or reproducinges, or amplifies of sound between the hours of 10:00 p.m. and 7:00 a.m. which is located within, or attached to, a motor vehicle or truck or upon the public streets or parking lots, unless the resultant noise or sound shall be not plainly and is plainly audible at a greater distance than of fifty (50) feet distant or more from the motor vehicle or truck or other enclosure in which it is contained or at least fifty (50) feet from the source thereof if not contained within any vehicle or other enclosure. This provision shall not apply to sirens, loud speakers, and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.
- (7) Allowing any animal or bird to create noise that it is plainly audible at least once a minute for ten (10) consecutive minutes (i) inside the confines of the dwelling unit, house, or apartment of another person, or (iii) at a distance of fifty (50) feet or more from the animal or bird. This subsection shall not apply to any animal or bird that is part of an active agricultural operation.
- (8) Creating or permitting plainly audible noise in residential zoning districts between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal, and other landscaping, lawn, or timbering activities.
- (9) Creating or permitting plainly audible noise in residential zoning districts or within five hundred (500) feet of a dwelling unit, house, or apartment between 10:00 p.m. and 5:30 a.m. in connection with the loading or unloading of refuse, waste, or recycling collection vehicles.
- (10) Operating or discharging, or causing to be operated or discharged, any airor gas powered device or "gun" designed and used for the purpose of creating noise, in such a prolonged repetitive manner as to be an annoyance or disturbance as evidenced by three (3) or more separate complaints to the sheriff about such noise within a twenty-four-hour period.

- (10) Operating, installing, having, or permitting on the outside of any store, shop, business establishment, warehouse, or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, or voice in such manner that it is plainly audible on any public sidewalk or street; unless it (i) is used only intermittently for announcing or paging an individual; (ii) signals the ringing of a telephone, (iii) signals danger from smoke or a fire, (iv) signals a burglary; (v) signals the beginning or stopping of work or school; or (vi) is operated in accordance with all applicable provisions of Chapter 28 of the county code.
- (11) Creating or permitting noise between the hours of 10:00 p.m. and 7:00 a.m. that is plainly audible either inside the confines of the dwelling unit, house, or apartment of another person or at fifty (50) feet or more when the noise is generated from a gathering of ten (10) or more people.
- (12) Using, igniting, or exploding fireworks between the hours of 10:00 p.m. and 7:00 a.m. on private or public property, unless permitted in writing by the board of supervisors, federal government, state government, or their agent. Nothing in this subsection shall affect or waive any other federal, state, or local law, ordinance, or regulation related to the use, ignition, or explosion of fireworks.
- (b) This section shall-apply only with respect to noise or sound received or heard in zoning districts in which residential use is permitted, whether or not exclusively, under the provisions of the county zoning ordinance and, notwithstanding any provisions of this section to the contrary, shall have no application to not apply to the following:
- (1) <u>F</u>fire, rescue, <u>sheriff</u>, police, ambulance, or other emergency vehicles or aircraft or to any noise or sound created thereby <u>or to</u>.
- (2) Aany noise or sound created by any person to sound a warning or call attention to a bona fide emergency.
- (3) This section shall not apply to Nnoise or sound which customarily accompanies bona fide parades, sporting events, public or private school-sponsored activities on school grounds, or public functions, or public commemorative events, or ceremonies.
- (4) nor to Nnoise or sound which customarily accompanies activities of churches, and synagogues, or other places of religious worship.
- (5) not to Aactivities conducted in any gymnasium, arena, theater, amphitheater, swimming pool, stadium, rifle range, or any similar sporting facility, whether any such the activity occurs indoors or outdoors; except to the extent that any such parade, function, event, or activity shall be prohibited or limited, either expressly or by necessary implication, by the terms or conditions of any required use permit issued in connection therewith, or provided however, to the extent that such any parade, function, event, or activity shall be conducted without a use permit when such a permit is required by any provision of chapter 28 of this Code shall comply with all provisions of this chapter.

- (6) Religious or political activities to the extent that those activities are protected by the United States Constitution, the Virginia Constitution, or federal or state law.
 - (7) Bona fide agricultural operations.
- (c) Any person who violates this section shall be subject to a warning for the first offense, a fine of fifty dollars (\$50.00) for a second offense committed within a one-year period, one hundred dollars (\$100.00) for a third offense committed within a one year period, and five hundred dollars (\$500.00) for a fourth or subsequent offense committed within a one year period.

Cross reference: Hours and manner of refuse removal, § 21-7.

State law references: Virginia Code §§ 3.2-302; 15.2-900, 15.2-917, 15.2-919, 15.2-1200, and 15.2-2288.3.

Sec. 16-7. Use of loudspeakers or sound amplifiers.

- (a) It shall be unlawful for any person to use any loudspeaker, or sound amplifier, or similar machine or device in the county, unless a permit for such use is obtained from the sheriff's office. The fee for <u>each</u> such permit shall be one dollar (\$1.00) for each hour of use authorized thereby.
- (b) The <u>use and</u> volume of any loudspeaker, or <u>sound</u> amplifier, or <u>similar machine</u> or <u>device</u> shall not exceed <u>comply with all provisions</u> the requirements set forth in section 16-4 of this chapter and Chapter 28 of the county code, and all conditions or requirements of any county-issued permit or approval.
- (c) Loudspeakers or amplifiers shall not be used within one hundred (100) yards of any hospital at any time, school <u>during the school-day</u>, church <u>during religious services or religious events</u>, or courthouse <u>while court is in session</u>.

State law references: Virginia Code §§ 15.2-900, 15.2-917, 15.2-1200, and 15.2-2288.3.

Sec. 16-8. Measurement procedures.

The measurement of sound or noise pursuant to this section shall be as follows:

- (1) The measurement of sound or noise shall be made with Type 2 sound level meters which meet the standards prescribed by the ANSI. The instruments shall be maintained in calibration and good working order. The sheriff shall develop and promulgate standards and procedures for testing and validating sound level meters according to the specifications and regulations of the manufacturer and used in the enforcement of this chapter. A minimum of three (3) sound level readings will be taken. The geometric mean of these readings will be used as the average sound level. If the background noise is equal to the levels set forth in section 16-4 above, three (3) dB shall be subtracted out of the average sound level.
- (2) The slow meter response of the sound level meter shall be used to determine that the average amplitude has not exceeded the dBA readings or the limiting noise spectra set forth in section 16-4 above.
- (3) Unless otherwise specified, the measurement shall be made at the property boundary on which such noise is generated, or at any point within the receiving property affected by the noise.

Sec. 16-9 <u>16-8</u>. Shooting ranges.

- (a) The provisions of this chapter shall not subject a shooting range to noise control standards more stringent than those in effect at the time the construction or operations of the range initially was approved. The operation or use of a shooting range shall not be enjoined on the basis of noise, nor shall any person be subject to action for nuisance or criminal prosecution in any manner relating to noise resulting from the operation of the range, if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved, or at the time any application was submitted for the construction or operation of the range.
- (b) For purposes of this section, "shooting range" means any area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

State law reference: Virginia Code § 15.2-917.

Sec. 16-10. Exemptions.

Exemptions from the provisions of this chapter may be granted in accordance with the requirements below:

- (1) Any person responsible for any noise from the operating of any equipment used in construction, repair, alteration or demolition work on building structures, alleys or appurtenances thereto shall apply to the director for an exemption or partial exemption from the provisions of this chapter. All other requests for exemptions shall be directed to the sheriff. The director or the sheriff may grant such exemption or partial exemption if he finds that:
- a. The noise does not endanger the public health, safety or welfare; or
- b. Compliance with the provisions of this chapter from which an exemption is sought would cause a serious hardship without producing equal or greater benefit to the public.
- (2) In determining whether to grant such exemption the director or sheriff shall consider the following:
- a. The time of day the noise will occur;
- b. The duration of the noise;
- c. The loudness of the noise in relation to the maximum permissible sound levels set forth in section 16-4 of this chapter:
- d. Whether the noise is intermittent or continuous; and
- e. Such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community and the degree of hardship which may result from the enforcement of the provisions of this chapter.
- (3) Exemptions or partial exemptions issued pursuant to this section shall be granted for such period as the director or sheriff deems reasonable. Any such exception shall be reviewed if complaints are received by the director or sheriff and may be revoked if, when the foregoing standards are applied, circumstances no longer justify the exemption or partial exemption.
- (4) Any person aggrieved by a decision of the director or the sheriff made pursuant to this section may obtain review of such decision by the county administrator or his authorized agent by delivering a written statement of appeal to the office of the county administrator within ten (10) days of the date of the decision. The county administrator

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shall review all statements of grievances and shall, within ten (10) days after receipt of such written statement of grievance, either affirm or set such decision aside, and make

any such further determination as may be necessary to effectuate the provisions of this section. The decision of the county administrator shall be final and binding.

Utilities; Authorize Pump and Haul Services at 19 Lorenzo Drive

Mr. Crisp motioned, seconded by Mr. Milde, to defer this item indefinitely while the

situation is monitored.

The Voting Board tally was:

Yea:

(7) Crisp, Milde, Dudenhefer, Snellings, Sterling, Stimpson, Woodson

Nay:

(0)

Public Works; Request VDOT Unspent Funds for County Projects Mr. Anthony

Romanello, County Administrator, gave a presentation and answered Board members

questions.

Mr. Sterling stated that as a member of the Commonwealth Transportation Board, he

would abstain from voting and asked that No. 2 on the proposed Resolution (R10-314) be

revised to include the correct funds and that the total on the Background Report be

corrected to reflect the change.

Mr. Snellings motioned, seconded by Mr. Milde, to adopt proposed Resolution R10-314.

The Voting Board tally was:

Yea:

(6) Snellings, Milde, Crisp, Dudenhefer, Stimpson, Woodson

Nay:

(0)

Abstain: (1) Sterling

Resolution R10-314 reads as follows:

A RESOLUTION TO REQUEST THE GOVERNOR AND SECRETARY OF TRANSPORTATION TO DEDICATE AVAILABLE FUNDING FROM SOURCES IDENTIFIED IN THE RECENT PERFORMANCE AUDIT OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TO CRITICAL

PROJECTS IN STAFFORD COUNTY

WHEREAS, at the request of the Governor, a performance audit of the Virginia Department of Transportation (VDOT) was completed to provide an independent assessment of VDOT's organizational structure, programs and operations; determine whether VDOT is operating efficiently and effectively in carrying out its mission; and develop findings and recommendations designed to reduce duplication of effort, increase efficiencies and effect cost savings wherever possible; and

WHEREAS, the audit identifies over fifty (50) recommendations that may accelerate the planning and delivery of more than \$1billion in maintenance and construction projects; and

WHEREAS, in response to the audit findings, the Secretary of Transportation plans to use \$200 million of VDOT's construction cash balance to advance projects in the Six-Year Improvement Program and add \$524 million in federal reserves to further revise the Program; and

WHEREAS, four (4) projects in Stafford County included in the Six-Year Improvement Program having local, regional and national significance, will benefit from additional funds by reducing congestion, improving safety, enhancing local, regional and state economies and improving the quality of life for Virginians which are:

- 1. Expansion of U.S. Route 17 (Project #71774) \$36.5 million is needed to complete the project;
- 2. Interstate 95/Courthouse Road (Route 630) interchange (Project #13558) \$24.033 million is needed to complete the right-of-way phase;
- 3. Expansion and upgrade of the Garrisonville Road / Onville Road Intersection (Base Realignment and Closure) (Project # 93225) \$13 million is needed to complete the project; and
- 4. Courthouse Road widening from Cedar Lane to Winding Creek Road (Project #4632) \$6.7 million is needed to complete the right-of-way phase.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 5th day of October, 2010, that it does hereby request the Governor and the Secretary of Transportation to dedicate available funding from sources identified in the recent performance audit of VDOT to advance the completion of the aforementioned transportation projects.

<u>Legislative</u>; <u>Discuss Traffic Safety / Traffic Calming by VDOT for Brooke Road and Mountain View Road</u> Mr. Sterling introduced this item for discussion.

Mr. Sterling talked about the Youth Driver Taskforce and spoke about Homeowner's Associations (HOA) being able to initiate traffic calming but in areas where there is no

HOA, it is the responsibility for the Board to represent the citizens and ask for a review of speed limits.

Mr. Milde said that in the Aquia District, where the young man was recently killed, the road has been studied and he conferred with VDOT about the speed limit in that area.

Mr. Crisp said that he drives on Brooke Road and that it is especially dangerous because of traffic going to the Landfill, traffic using it as a shortcut to avoid back-ups on Route 1, and student traffic going to the high school.

Mr. Snellings said that posted 45 mile per hour speed limits on back roads does not make sense and that VDOT should look at all roads, some of which used to be posted at 35 mph. Mr. Snellings said that he was told that if there is not posted speed limit, the speed limit is automatically considered to be 55 mph. He recommended that the intersection of Mountain View and Kellogg Mill Roads be included in the study and asked that the study be expanded to include all major two-lane back roads.

Mr. Sterling added that the County should provide VDOT with a specific list. Mr. Dudenhefer said to include Brooke, Mountain View, Poplar, Truslow, Hartwood, Kellogg Mill Road and others on a 1-25 list of major secondary roads to be reviewed with Brooke Road and Mountain View Road being on top of the list. Hearing no objections, the Board directed staff to provide a report of prioritized list of (major) secondary roads for review.

Staff was further directed to request that the Governor and Secretary of Transportation dedicate available funding from unspent VDOT funds identified in recent audit, and mail a copy of the signed resolution to the Governor, Secretary of Transportation, the VDOT Commissioner, and to Quintin Elliott, Fredericksburg Residency Administrator. The prioritized list of major secondary roads will be brought back to the Board at the October 19th meeting.

<u>Legislative</u>; <u>Privatization of ABC Stores</u> Following discussion, the Board referred to the Planning Commission a zoning ordinance amendment requiring a Conditional Use Permit (CUP) for retail sales of distilled spirits. Discussion ensued.

Mr. Dudenhefer inquired about legal requirements and guidelines for CUPs. Mr. Milde asked where else retail beer and wine sales took place, not in the B-2 zoning district. Mr. Jeff Harvey, Director of Planning and Zoning, replied that there were convenience stores selling beer and wine in the B-1 zoning districts adding that there are very limited B-1 zoning districts in the County.

Mr. Milde asked Mr. Romanello what led him to believe that the Governor will not have success in privatizing ABC stores. Mr. Dudenhefer stated that the correspondence from Mr. Romanello was not an endorsement of the concept, just an effort to ensure that the County was prepared if it passes in the General Assembly.

Mr. Romanello said that while the debate goes on in Richmond, this is an attempt by the County to get ahead of the issue and consider CUPs if the state does privatize ABC stores. The proposed ordinance would not apply if privatization is not approved. The CUP would provide a higher level of scrutiny.

Mr. Milde said that it is possible that the State would not permit the County to use the CUP process and/or to charge the \$10,000 fee for a CUP. He added that while he is supportive, he thinks this is premature. Mr. Milde asked who regulates beer and wine sales. Mr. Romanello responded that it is the ABC Board. Mr. Milde asked if the County is allowed to place a CUP regulation on beer and wine sales. Mr. Howard said that the County could not do that specifically for beer and wine but for land use. Mr. Romanello stated that the Sheriff plays an aggressive role with the ABC Board and that the County has a role in the regulations.

Mr. Dudenhefer said that the County was to get out in front of this.

Mr. Woodson asked if this was going to be referred to the Planning Commission. Mr. Sterling responded that the request would be sent to the Planning Commission to look at the CUP process if liquor sales are privatized.

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Mr. Snellings suggested that the County may want to come up with another type of

permit and stated that for now, he agrees with Mr. Romanello's approach.

Mr. Dudenhefer summarized the issue saying that there are still a lot of questions but that

Stafford County, in getting started with the process, sends a message to the General

Assembly that the County expects to have the ability to regulate sales if ABC Stores are

privatized.

Mr. Sterling motioned, seconded by Mr. Snellings, to refer the zoning ordinance to the

Planning Commission requiring a CUP for the sale of distilled spirits in commercial retail

sales.

The Voting Board tally was:

Yea:

(6) Sterling, Snellings, Milde, Crisp, Dudenhefer, Stimpson

Nay:

(1) Woodson

<u>Legislative</u>; <u>Code of Conduct</u> Ms. Stimpson introduced this item. Discussion ensued.

Mr. Dudenhefer stated for the record that he, Mr. Crisp, Mr. Milde, Mr. Snellings, Mr.

Sterling and Ms. Stimpson signed the Code of Conduct and Mr. Woodson declined.

Adjournment At 10:10 p.m., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM County Administrator

Mark Dudenhefer Chairman